

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE HENRI STERN WATCH AGENCY,
INC., d/b/a PATEK PHILIPPE

Plaintiff,

v.

DEPRISCO, A M INC. d/b/a DEPRISCO
JEWELERS,

Defendant.

Civil Action
No.
MAGISTRATE JUDGE Cohen

RECEIPT # 54883
AMOUNT \$ 150
SUMMONS ISSUED yes
LOCAL RULE 4.1 +
WAIVER FORM +
MCF ISSUED +
BY DPTY. CLK. P.O.W
DATE

COMPLAINT

Introduction

1. This is an action for trademark infringement, trademark dilution, false designation of origin, palming off and unfair competition under federal and state law arising out of the defendant's use of the "Patek Philippe" mark in connection with marketing watches.

Parties

2. Plaintiff The Henri Stern Watch Agency, Inc. ("Henry Stern") is the exclusive importer and distributor of products made by Patek Philippe S A in the United States.

3. Defendant Deprisco, A M Inc., d/b/a DePrisco Jewelers ("DePrisco") is a Massachusetts corporation with its principal place of business in Wellesley, Massachusetts.

Jurisdiction

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (trademarks). The Court also has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

Facts

The Patek Philippe Mark

5. Patek Philippe S A is a Swiss company that designs, develops and markets timepieces, watches and clocks. Patek Philippe S A's most prominent brand is its "Patek Philippe" watches, which are sold internationally. Henry Stern, founded in 1937, is the exclusive importer and distributor of Patek Philippe S A's products in the United States.

6. Founded in 1839, Patek Philippe S A has been a leader and innovator in the Swiss watch-making industry for over 150 years. The company led the development of timepieces in the late 19th century, and pioneered the use of quartz technology in the 1950s. The company prides itself on adhering to the requirements of the Geneva Seal, the most demanding standard for watch-making in the world. Over time, Patek Philippe S A has become renowned as a manufacturer of timepieces, watches and clocks, whose customers have included many famous figures throughout history, including Albert Einstein, Marie Curie, Charlotte Brontë and Peter Ilyich Tchaikovsky.

7. Henry Stern registered the PATEK PHILIPPE mark in the United States on January 24, 1950 (Reg. No. 520,291). The mark was mostly recently renewed on January 24, 2000.

8. Henry Stern and Patek Philippe (jointly "Patek Philippe") have used the PATEK PHILIPPE mark to identify their fine watch products in the United States since

1937. The PATEK PHILIPPE mark has been displayed on the faces of the watches and timepieces themselves, as well as in advertising and promotional materials.

9. Patek Philippe timepieces are sold under the PATEK PHILIPPE mark by authorized jewelers.

10. The PATEK PHILIPPE marks and the timepieces offered under the PATEK PHILIPPE marks have been heavily advertised and promoted in the United States. Only authorized jewelers are allowed to advertise or promote Patek Philippe's products by using its name or logo.

11. The PATEK PHILIPPE mark has come to be known by actual and potential consumers as a mark associated exclusively with Patek Philippe products, and as symbolizing quality timepieces and watches designed and manufactured by Patek Philippe S A. The PATEK PHILIPPE mark is a strong mark, has acquired secondary meaning and is a world-famous and valuable business asset.

DePrisco Jewelers

12. DePrisco is the owner and operator of the DePrisco Jewelers of Wellesley store (the "store"). The store is located at 178 Linden Plaza in Wellesley, MA.

13. DePrisco operates as a jeweler.

14. Prior to 1999, DePrisco was for a period of years an authorized dealer of Patek Philippe products. However, Henry Stern terminated the relationship in 1999.

15. Awnings over at least two of the windows at the DePrisco store, on either side of the main entrance, state "Patek Philippe" and feature the Patek Philippe logo. *See Exhibit 1.*

**DePrisco's Knowing and Willful
Misappropriation of Patek Philippe's Marks**

16. On or about September 16, 2003 New York counsel for Plaintiff sent Albert DePrisco of DePrisco Jewelers a letter stating that DePrisco was improperly using awnings on the store bearing the name and logo of Patek Philippe and demanding that such use cease. *See Exhibit 2.*

17. On or about November 14, 2003, New York counsel for Plaintiff sent Mr. DePrisco another letter demanding that the Patek Philippe name and logo be removed. *See Exhibit 3.*

18. On February 25, 2004, Massachusetts counsel for Plaintiff again sent a cease and desist letter to DePrisco. *See Exhibit 4.*

19. Despite these repeated demands to cease and desist, the awnings bearing the Patek Philippe name and logo remain at the DePrisco store.

Count I
(Trademark Infringement Under the Lanham Act)

20. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 19 herein.

21. Henry Stern owns all rights in the PATEK PHILIPPE mark and the registration of that mark is valid and subsists in full force and effect.

22. DePrisco, through the use of the PATEK PHILIPPE mark on its awnings, has used and intends to continue using the mark in commerce in connection with the marketing and sale of its products in a manner likely to cause confusion, mistake or to deceive.

23. DePrisco's use of the PATEK PHILIPPE mark causes immediate, irreparable harm to Plaintiff.

24. DePrisco has acted willfully and with knowledge that its use of the PATEK PHILIPPE mark is intended to cause confusion, mistake, or to deceive.

25. DePrisco's actions constitute trademark infringement in violation of Plaintiff's rights under the Lanham Act, 15 U.S.C. § 1114(1).

26. As a result of DePrisco's conduct, Plaintiff has suffered and will continue to suffer injury and damage to its business, reputation and goodwill.

27. Plaintiff has no adequate remedy at law.

Count II
(Unfair Competition and False Designation
of Origin under § 43(a) of the Lanham Act)

28. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 27 herein.

29. DePrisco, through the use of the PATEK PHILIPPE mark, has used and intends to continue to use the PATEK PHILIPPE mark in connection with the marketing and sale of its products in a manner that is likely to cause confusion, mistake or to deceive.

30. DePrisco's use of the PATEK PHILIPPE mark causes immediate, irreparable harm to Plaintiff.

31. DePrisco has acted willfully and with knowledge its use of the PATEK PHILIPPE mark is intended to cause confusion, mistake or to deceive.

32. DePrisco's actions constitute unfair competition and false designation of origin in violation of Plaintiff's rights under the Lanham Act, 15 U.S.C. § 1125(a).

33. As a result of DePrisco's conduct, Plaintiff has suffered and will continue to suffer injury and damage to its business, reputation and goodwill.

34. Plaintiff has no adequate remedy at law.

Count III
(Trademark Dilution Under § 43(c) of the Lanham Act)

35. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 34 herein.

36. The PATEK PHILIPPE mark is a famous mark within the meaning of § 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

37. DePrisco's use of the PATEK PHILIPPE mark dilutes and will continue to dilute the PATEK PHILIPPE mark.

38. DePrisco's use of the PATEK PHILIPPE mark causes immediate, irreparable harm to Plaintiff.

39. DePrisco has acted willfully and intentionally and with the intent to trade on Plaintiffs reputation and cause dilution of the PATEK PHILIPPE mark.

40. DePrisco's actions constitute trademark dilution in violation of Plaintiff's rights under § 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

41. As a result of DePrisco's conduct, Plaintiff has suffered and will continue to suffer injury and damage to its business, reputation and goodwill.

42. Plaintiff has no adequate remedy at law.

Count IV
(Trademark Dilution Under M.G.L. c. 110B, § 12)

43. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 42 herein.

44. The PATEK PHILIPPE mark is distinctive.

45. DePrisco's use of the PATEK PHILIPPE mark dilutes and will continue to dilute the PATEK PHILIPPE mark because, among other reasons, DePrisco has misappropriated the PATEK PHILIPPE mark. DePrisco is using the PATEK PHILIPPE mark to falsely imply that it is an authorized dealer of Patek Philippe products.

46. DePrisco's use of the PATEK PHILIPPE mark causes immediate, irreparable harm to Plaintiff.

47. DePrisco's actions constitute trademark dilution in violation of Plaintiff's rights under M.G.L. c. 110B, § 12 because DePrisco's use and planned continued use of the PATEK PHILIPPE mark dilutes the distinctiveness of the PATEK PHILIPPE mark.

48. As a result of DePrisco's conduct, Plaintiff has suffered and will continue to suffer injury and damage to its business, reputation and goodwill.

49. Plaintiff has no adequate remedy at law.

**Count V
(Common Law Trademark Infringement
and Unfair Competition)**

50. Plaintiff re-alleges the allegation set forth in paragraphs 1 through 49 herein.

51. DePrisco's actions constitute trademark infringement, unfair competition and "palming off" under the common law of the Commonwealth of Massachusetts, in that these acts cause a likelihood of confusion or misunderstanding as to the source, sponsorship, approval or certification of DePrisco's goods through the use and planned continued use of imitations of the PATEK PHILIPPE mark in the sale, distribution and promotion of DePrisco's products.

52. DePrisco's use of the PATEK PHILIPPE mark causes immediate, irreparable harm to Plaintiff.

53. As a result of DePrisco's conduct, Plaintiff has suffered and will continue to suffer injury and damage to its business, reputation and good will.

54. Plaintiff has no adequate remedy at law.

Relief Requested

WHEREFORE, Plaintiff demands judgment be entered in its favor, and that the following relief be granted:

A. That defendant DePrisco and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, be temporarily, preliminarily, and permanently enjoined from using the Patek Philippe mark or any other terms, marks, or logos confusingly similar to or dilutive of the PATEK PHILIPPE mark.

B. Declare that DePrisco's use of the Patek Philippe name, and any other colorable imitations of the PATEK PHILIPPE mark, in connection with its business and the distribution, marketing and sale of DePrisco's products constitutes trademark infringement, false designation of origin, dilution, unfair competition, palming off, false advertising and unfair and deceptive acts and practices.

C. That DePrisco be required to deliver up to Plaintiff for destruction any and all materials of any kind, including but not limited to awnings, advertisements, brochures, signs, labels, prints, business cards, letter head, invoices, inventory and any and all other materials of any kind in the possession or under the control of DePrisco that bear or contain the Patek Philippe name, or any other terms, marks, or logos confusingly similar to or dilutive of the PATEK PHILIPPE mark.

D. That DePrisco be required to account for and relinquish to Plaintiff all gains, profits and advantages derived by defendant through its infringement and dilution of the PATEK PHILIPPE mark.

E. That DePrisco be required to pay Plaintiff such damages as Plaintiff has sustained as a consequence of DePrisco's actions.

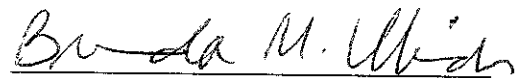
F. That DePrisco be required to pay reasonable costs and attorneys' fees incurred by Plaintiff in the prosecution of this action.

G. That Plaintiff be awarded such other and further relief as the Court may deem just and proper.

Jury Demand

Plaintiff demands a trial by jury on all issues triable to a jury.

THE HENRI STERN WATCH
AGENCY, INC., d/b/a PATEK
PHILIPPE
By its attorneys,



Laurie S. Gill (BBO #192060)
Brenda M. Ulrich (BBO #651424)
PALMER & DODGE LLP
111 Huntington Avenue
Boston, MA 02199
(617) 239-0100

March 29, 2004

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) The Henri Stern Watch Agency, Inc., d/b/a Patek Philippe v. Deprisco, A.M. Inc., d/b/a Deprisco Jewelers

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

— I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

X II. 195, 388, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

— III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

— IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

— V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.
NONE

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES

NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Laurie S. Gill

ADDRESS Palmer & Dodge, LLP, 111 Huntington Ave., Boston, MA 02199-7613

TELEPHONE NO. 617-239-0100

JS 44
(Rev. 3/99)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

The Henri Stern Watch Agency, Inc.,
d/b/a Patek Philippe

DEFENDANTS

Deprisco, A M Inc., d
d/b/a Deprisco Jewelers

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Laurie S. Gill
Brenda Marshall Ulrich
Palmer & Dodge LLP, 111 Huntington Avenue
Boston, MA 02199-7613

ATTORNEYS (IF KNOWN)**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Defendant's have violated the trademark of Plaintiffs through use of Patek Philippe's name and mark through unauthorized use of Plaintiffs trademark in violation of 15 U.S.C. Section 1114, 1125.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO**VIII. RELATED CASE(S) (See instructions): IF ANY**

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

March 29, 2004

Brenda M. Ulrich

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____